

JS 44C/SDNY
REV. 06/01/17Pg 1 of 8
CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
GENERAL MOTORS LLCDEFENDANTS
SEE ATTACHMENT A

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Arthur Steinberg, Scott Davidson
King & Spalding LLP - 1185 Avenue of the Americas, NY, NY 10036
212-556-2100

ATTORNEYS (IF KNOWN)
SEE ATTACHMENT A

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158; Bankruptcy appeal

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT

- [] 110 INSURANCE
[] 120 MARINE
[] 130 MILLER ACT
[] 140 NEGOTIABLE INSTRUMENT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
[] 151 MEDICARE ACT
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS
[] 160 STOCKHOLDERS SUITS
[] 190 OTHER CONTRACT
[] 195 CONTRACT PRODUCT LIABILITY
[] 196 FRANCHISE

REAL PROPERTY

- [] 210 LAND CONDEMNATION
[] 220 FORECLOSURE
[] 230 RENT LEASE & EJECTMENT
[] 240 TORTS TO LAND
[] 245 TORT PRODUCT LIABILITY
[] 290 ALL OTHER REAL PROPERTY

PERSONAL INJURY

- [] 310 AIRPLANE
[] 315 AIRPLANE PRODUCT LIABILITY
[] 320 ASSAULT, LIBEL & SLANDER
[] 330 FEDERAL EMPLOYERS' LIABILITY
[] 340 MARINE
[] 345 MARINE PRODUCT LIABILITY
[] 350 MOTOR VEHICLE
[] 355 MOTOR VEHICLE PRODUCT LIABILITY
[] 360 OTHER PERSONAL INJURY
[] 362 PERSONAL INJURY - MED MALPRACTICE

ACTIONS UNDER STATUTES

CIVIL RIGHTS

- [] 440 OTHER CIVIL RIGHTS (Non-Prisoner)
[] 441 VOTING
[] 442 EMPLOYMENT
[] 443 HOUSING/
[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
[] 446 AMERICANS WITH DISABILITIES - OTHER
[] 448 EDUCATION

- PERSONAL INJURY
[] 357 HEALTHCARE/
PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY
[] 365 PERSONAL INJURY PRODUCT LIABILITY
[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

PERSONAL PROPERTY

- [] 370 OTHER FRAUD
[] 371 TRUTH IN LENDING

- [] 380 OTHER PERSONAL PROPERTY DAMAGE
[] 385 PROPERTY DAMAGE PRODUCT LIABILITY

PRISONER PETITIONS

- [] 463 ALIEN DETAINEE
[] 510 MOTIONS TO VACATE SENTENCE
28 USC 2255
[] 530 HABEAS CORPUS
[] 535 DEATH PENALTY
[] 540 MANDAMUS & OTHER

PRISONER CIVIL RIGHTS

- [] 550 CIVIL RIGHTS
[] 555 PRISON CONDITION
[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

FORFEITURE/PENALTY

- [] 625 DRUG RELATED SEIZURE OF PROPERTY
21 USC 881
[] 690 OTHER

PROPERTY RIGHTS

- [] 820 COPYRIGHTS
[] 830 PATENT
[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION
[] 840 TRADEMARK

LABOR

- [] 710 FAIR LABOR STANDARDS ACT
[] 720 LABOR/MGMT RELATIONS
[] 740 RAILWAY LABOR ACT
[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)
[] 790 OTHER LABOR LITIGATION
[] 791 EMPL RET INC SECURITY ACT (ERISA)

IMMIGRATION

- [] 462 NATURALIZATION APPLICATION
[] 465 OTHER IMMIGRATION ACTIONS

BANKRUPTCY

- [x] 422 APPEAL
28 USC 158
[] 423 WITHDRAWAL
28 USC 157

SOCIAL SECURITY

- [] 861 HIA (1395ff)
[] 862 BLACK LUNG (923)
[] 863 DIWCD/DIWW (405(g))
[] 864 SSID TITLE XVI
[] 865 RSI (405(g))

FEDERAL TAX SUITS

- [] 870 TAXES (U.S. Plaintiff or Defendant)
[] 871 IRS-THIRD PARTY
28 USC 7609

OTHER STATUTES

- [] 375 FALSE CLAIMS
[] 376 QUI TAM
[] 400 STATE REAPPORTIONMENT
[] 410 ANTI-TRUST
[] 430 BANKS & BANKING
[] 450 COMMERCE
[] 460 DEPORTATION
[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 480 CONSUMER CREDIT
[] 490 CABLE/SATELLITE TV
[] 850 SECURITIES/COMMODITIES/EXCHANGE
[] 890 OTHER STATUTORY ACTIONS
[] 891 AGRICULTURAL ACTS
[] 893 ENVIRONMENTAL MATTERS
[] 895 FREEDOM OF INFORMATION ACT
[] 896 ARBITRATION
[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE SEE ATTACHMENT B DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation (Transferred) ☐ 7 Appeal to District Judge from Magistrate Judge ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION ☐ 4 DIVERSITY
(U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Not applicable

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Not applicable

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Not applicable

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

DATE 8/9/2017 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
☒ YES (DATE ADMITTED Mo. _____ Yr. 1983)
Attorney Bar Code #AS1298

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

ATTACHMENT A – LISTING OF APPELLEES and THEIR COUNSEL

APPELLEE	ATTORNEY NAME
<i>Ignition Switch Plaintiffs and Certain Non-Ignition Switch Plaintiffs in the Bankruptcy Court</i>	BROWN RUDNICK LLP Seven Times Square New York, NY 10036 (212) 209-4800 By: Edward S. Weisfelner, Esq. Howard Steel, Esq
<i>Certain Post-Closing Accident Plaintiffs Represented By Butler Wooten & Peak LLP, Denney & Barrett, P.C., Hilliard Muñoz Gonzales L.L.P., and Turner & Associates, P.A.</i>	GOODWIN PROCTER LLP 620 Eighth Avenue New York, NY 10018 (212) 813-8800 By: William Weintraub, Esq. Gregory Fox, Esq.

<i>Ignition Switch Plaintiffs and Certain Non-Ignition Switch Plaintiffs in the MDL Court</i>	<p>HAGENS BERMAN SOBOL SHAPIRO LLP 1918 Eighth Avenue, Suite 3300 Seattle, WN 98101 (206) 623-7292 By: Steve W. Berman, Esq.</p> <p>LIEFF, CABRASER, HEIMANN & BERNSTEIN, L.L.P. 275 Battery Street Embarcadero Center W. San Francisco, CA 94111 (415) 956-1000 By: Elizabeth J. Cabraser, Esq.</p>
<i>Ignition Switch Plaintiffs and Certain Non-Ignition Switch Plaintiffs in the MDL Court</i>	<p>HILLIARD MUNOZ GONZALES LLP 719 South Shoreline, Suite 500 Corpus Christi, TX 78401 (361) 882-1612 By: Robert Hilliard, Esq.</p>
<i>Ignition Switch Plaintiffs and Certain Non-Ignition Switch Plaintiffs in the Bankruptcy Court</i>	<p>Sander L. Esserman, Esq. Pater D'Apice, Esq. STUTZMAN, BROMBERG, ESSERMAN & PLIFKA 2323 Bryan Street, Suite 2200 Dallas, TX 75201 T: 214-969-4900 esserman@sbep-law.com dapice@sbep-law.com</p>

<i>Bledsoe Plaintiffs</i> <i>Elliott Plaintiffs</i> <i>Sesay Plaintiffs</i>	GARY PELLER, ESQ. 600 New Jersey Avenue, NW Washington, DC 20001 (202) 662-9122 By: Gary Peller, Esq.
<i>Pitterman Plaintiffs</i>	ADELMAN HIRSCH & CONNORS LLP 1000 Lafayette Blvd Bridgeport, CT 06604 (203) 331-8888 By: Joram Hirsch, Esq.
<i>Pope Plaintiffs</i>	LEDFORD LAW FIRM Heritage Professional Plaza 425 East 22nd Street, Suite 101 Owasso, OK 74055 (918) 376-4610 By: Kris Ted Ledford, Esq.

<i>Pillars Plaintiffs</i>	THE MASTROMARCO FIRM 1024 N. Michigan Ave Saginaw, MI 48602 (989) 752-1414 By: Victor J. Mastromarco, Esq. Russell C. Babcock, Esq.
<i>Pilgrim Plaintiffs</i>	KNAPP, PETERSEN & CLARKE 550 North Brand Boulevard, Suite 1500 Glendale, CA 91203 (818) 547-5000 By: André E. Jardini, Esq. K.L. Myles, Esq. KLESTADT WINTERS JURELLER SOUTHARD & STEVENS, LLP 200 West 41st Street, 17th Floor New York, NY 10036 (212) 972-3000 By: Sean C. Southard, Esq. Brendan M. Scott, Esq.

ATTACHMENT B – RELATED CASES and APPEALS

General Motors LLC's Appeal [ECF No. 13996] of (i) the *Memorandum Opinion And Order Granting In Part New GM's Motion To Enforce Sale Order Against The Pitterman Plaintiffs and Resolving 2016 Threshold Issue Two: Whether Non-Ignition Switch Plaintiffs Are Barred From Asserting Independent Claims Against New GM*, entered by the United States Bankruptcy Court for the Southern District of New York ("**Bankruptcy Court**") in the above-referenced case on June 7, 2017 [Dkt. No. 13959]; and (ii) the *Order Granting In Part And Denying In Part General Motors LLC's Motion To Enforce The Ruling In The Bankruptcy Court's June 7, 2017 Opinion With Respect To The Pitterman Plaintiffs*, entered by the Bankruptcy Court on July 10, 2017 [Dkt. No. 13991], is related to the United States District Court Case, Southern District of New York, Case no. 1:14-md-02543-JMF, In re: General Motors LLC Ignition Switch Litigation, as well as the below-listed appeals filed by other parties and relating to the Bankruptcy Court Orders at docket entries 13959, 13991 and 13992:

- | | | |
|------------|--------------|--|
| 07/26/2017 | <u>14001</u> | Notice of Appeal (related document(s) 13992) filed by Victor J. Mastromarco Jr. on behalf of Pillars, Estate of Kathleen Pillars, Deceased. (Attachments: #1 Exhibit A - Memorandum and Opinion and Order Deciding Certain 2016 Threshold Issues) (Mastromarco, Victor) (Entered: 07/26/2017) |
| 07/26/2017 | <u>14004</u> | Notice of Appeal filed by Gary Peller on behalf of Tina Farmer, Paul Fordham, Momoh Kanu, Ishmail Sesay, James Tibbs. (Attachments: #1 Exhibit Exhibit A) (Peller, Gary) (Entered: 07/26/2017) |
| 07/26/2017 | <u>14005</u> | Notice of Appeal filed by Gary Peller on behalf of Tina Farmer, Paul Fordham, Momoh Kanu, Ishmail Sesay, James Tibbs. (Attachments: #1 Exhibit) (Peller, Gary) (Entered: 07/26/2017) |
| 07/26/2017 | <u>14006</u> | Notice of Appeal (related document(s) 13992) filed by Edward S. Weisfelner on behalf of Designated Counsel for the Ignition Switch Plaintiffs & Certain Non-Ignition Switch Plaintiffs. (Attachments: #1 Exhibit A - Memorandum Opinion and Order Deciding Certain 2016 Threshold Issues, dated July 12, 2017 ECF No. 13992)(Weisfelner, Edward) (Entered: 07/26/2017) |
| 07/26/2017 | <u>14007</u> | Notice of Appeal (related document(s) 13992) filed by William P. Weintraub on behalf of Butler Wooten & Peak LLP, Denney & Barrett, P.C., Hilliard Munoz Gonzales L.L.P., Turner & Associates, P.A. (Attachments: #1 Exhibit A) (Weintraub, William) (Entered: 07/26/2017) |
| 07/26/2017 | <u>14010</u> | Notice of Appeal (related document(s) 13992) filed by Brendan M. Scott on behalf of William D. Pilgrim, et al. (Attachments: #1 Exhibit)(Scott, Brendan) (Entered: 07/26/2017) |

- 06/07/2017 13959 Memorandum Opinion and Order, Signed on 6/7/2017, Granting in Part New GM's Motion to Enforce Sale Order Against the Pitterman Plaintiffs and Resolving 2016 Threshold Issue Two: Whether Non-Ignition Switch Plaintiffs are Barred from Asserting Independent Claims Against New GM. (related document(s) 13955) (Anderson, Deanna) (Entered: 06/07/2017)
- 07/10/2017 13991 Order, Signed on 7/10/2017, Granting in Part and Denying in Part General Motors LLC's Motion to Enforce the Ruling in the Bankruptcy Court's June 7, 2017 Opinion With Respect to the Pitterman Plaintiffs (Related Doc #13965). (Anderson, Deanna) (Entered: 07/10/2017)
- 07/12/2017 13992 Memorandum Opinion and Order, Signed on 7/12/2017, Deciding Certain 2016 Threshold Issues. (related document(s) 13802) (Anderson, Deanna) (Entered: 07/12/2017)